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Attorneys for Defendants,
 Watson Pharmaceuticals, Inc., Watson Pharma, Inc.,
 and Watson Laboratories, Inc. - Florida

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

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PURDUE PHARMACEUTICAL PRODUCTS,	:	Honorable Jose L. Linares, U.S.D.J.
L.P., PURDUE PHARMA L.P., and	:	
TRANSCPT PHARMACEUTICALS, INC.,	:	Civil Action No. 12 CV 5390 (JLL)(MAH)
	:	
Plaintiffs,	:	
	:	
v.	:	CONSENT ORDER VOLUNTARILY
	:	DISMISSING COMPLAINT WITHOUT
	:	PREJUDICE
WATSON PHARMACEUTICALS, INC.,	:	
WATSON PHARMA, INC. and WATSON	:	
LABORATORIES, INC. - FLORIDA,	:	
	:	
Defendants.	:	
_____	x	

THIS MATTER, being opened to the Court by Winston & Strawn LLP, attorneys for Defendants Watson Pharmaceuticals, Inc., Watson Pharma, Inc., and Watson Laboratories, Inc. - Florida ("Defendants") and Lowenstein Sandler P.C. and Covington & Burling LLP, attorneys for Plaintiffs Purdue Pharmaceutical Products L.P., Purdue Pharma L.P., and Transcept Pharmaceuticals, Inc. (collectively, "Plaintiffs") by way of Consent Order Voluntarily Dismissing the Complaint pursuant to Fed. R. Civ. P. 41(a)(1); and

WHEREAS, on August 27, 2012, Plaintiffs filed their Complaint for Patent Infringement, alleging infringement of U.S. Patent No. 7,682,628 on the basis of Defendants' Abbreviated New Drug Application ("ANDA") No. 204-240 submitted to the U.S. Food and Drug Administration ("FDA"); and

WHEREAS, on November 28, 2012, Defendants withdrew ANDA No. 204-240 with the FDA, Defendants are no longer seeking approval of ANDA No. 204-240, and in the event that any Defendant re-files ANDA No. 204-240, or another application seeking approval of the same or similar formulation, new patent certifications would need to be filed under 21 U.S.C. § 355(j)(2)(A)(vii), and new notifications to the patent holder and NDA holder would be required if certifications under 21 U.S.C. § 355(j)(2)(A)(vii)(IV) are filed; and

WHEREAS, as a result of Defendants' withdrawal of ANDA No. 204-240, the parties agree that Plaintiffs' claims asserted in the Complaint, which concern ANDA No. 204-240, are now moot; and

WHEREAS, the parties agree entry of this Consent Order has no effect on Defendants' rights and privileges with respect to ANDA No. 240-322, which was submitted to the FDA by Actavis Elizabeth LLC, a wholly owned subsidiary of Watson Pharmaceuticals, Inc.; and

WHEREAS, Plaintiffs have agreed to voluntarily dismiss the Complaint without prejudice; and for good cause shown,

IT IS on this 20 of December, 2012,

ORDERED as follows:

1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Complaint is hereby dismissed without prejudice.

2. Each party shall bear its own costs, attorneys' fees, and expenses incurred in connection with the above-captioned action.

3. A copy of this Order shall be served on all counsel within seven (7) days of the date hereof.



Honorable Jose L. Linares, U.S.D.J.

We hereby consent to the form and entry of this Consent Order:

WINSTON & STRAWN LLP
Attorneys for Defendants
Watson Pharmaceuticals, Inc., Watson Pharma, Inc.,
and Watson Laboratories, Inc. - Florida

By: s/ Jeffrey P. Catenacci
Jeffrey P. Catenacci

Dated: December 18, 2012

LOWENSTEIN SANDLER PC
Attorneys for Plaintiffs
Purdue Pharmaceutical Products, L.P., Purdue Pharma L.P.,
and Transcept Pharmaceuticals, Inc.

By: s/ Stephen R. Buckingham
Stephen R. Buckingham

Dated: December 18, 2012